

326-08/MEO

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAPE BENAT NAVIGATION INC,

Plaintiff,

-against-

PROGETRA SA,

Defendant.

08 CV 5501 (DC)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 7/28/2008  
DATE FILED: 7/28/2008

**ORDER DIRECTING REOPENING  
OF ACTION, ISSUANCE OF  
AMENDED PROCESS OF MARITIME  
ATTACHMENT AND  
GARNISHMENT AND RELEASE OF  
FUNDS HELD BY GARNISHEE  
DEUTSCHE BANK**

**WHEREAS** pursuant to agreement of the parties based upon the understanding that Garnishee Deutsche Bank was holding \$121,000.30 the parties agreed that the sum of \$104,920.12 be released to Plaintiff CAPE BENAT NAVIGATION with the balance to be released to Defendant PROGETRA; and

**WHEREAS** pursuant to an Order signed by this Court dated July 9, 2008, Garnishee Deutsche Bank was directed to pay said sums to the respective parties; and

**WHEREAS** Garnishee Deutsche Bank has reported that it was holding the sum of only \$16,105.30 rather than the \$121,105.30 as understood by Plaintiff; and

**WHEREAS** Defendant PROGETRA has agreed, pursuant to an e-mail from Progetra's Italian attorneys dated July 18, 2008, a copy of which has been provided to the Court by counsel for Plaintiff, to release of the \$16,105.30 held by Deutsche Bank to Plaintiff CAPE BENAT but has not taken a position in respect to payment of the \$88,814.82 balance admitted by PROGETRA to be due to CAPE BENAT NAVIGATION;

**IT IS HEREBY ORDERED AND DIRECTED** that this matter be reopened by the Clerk of the Court; and

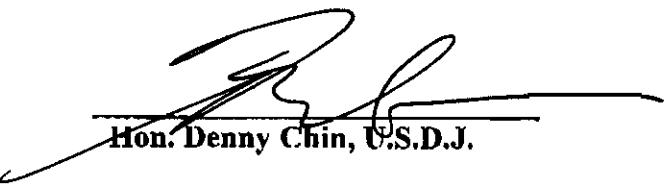
**IT IS HEREBY FURTHER ORDERED AND DIRECTED** that the Clerk of the Court issue an Amended Process of Maritime Attachment and Garnishment ("PMAG") in the amount of \$100,000.00 as against the property of Defendant PROGETRA in this District in respect of the \$88,814.82 admittedly owed by Defendant PROGETRA to Plaintiff CAPE BENAT NAVIGATION together with security for interest and costs of this action; and

**IT IS HEREBY FURTHER ORDERED AND DIRECTED** that Garnishee Deutsche Bank pay to Plaintiff CAPE BENAT NAVIGATION, pursuant to wire transfer instructions to be provided by Plaintiff's counsel, the \$16,105.30 it is holding pursuant to the original PMAG authorized to be issued by this Court pursuant to Order dated June 18, 2008; and

**IT IS HEREBY FURTHER ORDERED** that this action remain on the Court's docket pending further Order.

**SO ORDERED:**

July 28, 2008



Hon. Denny Chin, U.S.D.J.